IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4501 of 2001

For Approval and Signature:

HONOURABLE MS. JUSTICE R.M.DOSHIT

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

PANCHAL ARVINDKUMAR BALDEVBHAI - Petitioner(s)
Versus
ANIL STARCH PRODUCTS LTD. - Respondent(s)

==========

Appearance :
MR GM JOSHI for Petitioner(s) : 1,
MR DG CHAUHAN for Respondent(s) : 1,

==========

CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 08/10/2007

ORAL JUDGMENT

The petitioner-workman has challenged the interim award dated 9th December, 2000 passed by the Labour Court, Ahmedabad in pending Reference No.LCA 89/1994.

It appears that the workman has been dismissed from service after holding disciplinary proceeding against him. Feeling aggrieved, the workman has raised industrial dispute which has been referred to the Labour Court, Ahmedabad and registered as above. Pending the reference, the workman challenged the legality of the disciplinary proceeding held against him. By impugned award dated 9th December, 2000, the learned Labour Judge has held that the departmental proceeding held against the workman was legal and valid. Therefore, the present petition.

Mr.Joshi has submitted that the main reference is still pending before the Labour Court. He has further submitted that in the event the said reference is decided against the workman, the workman may challenge the final award including the impugned award dated 9th December, 2000.

In above view of the matter, the petition is disposed of. It is clarified that this Court has not considered the challenge to the impugned award dated

9th December, 2000 on merits. In the event of any challenge to the final award that may be passed on the aforesaid reference, the petitioner-workman shall be at liberty to challenge the legality and validity of the impugned award dated 9th December, 2000.

Subject to the above observation, rule is discharged. There shall be no order as to cost.

(Ms. R.M.Doshit, J.)

/moin